

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BETTER MOUSE COMPANY, LLC,)	
)	
Plaintiff,)	CIVIL ACTION NO. 2:14-cv-198
)	(Consolidated Lead Case)
v.)	
)	JURY TRIAL DEMANDED
STEELSERIES APS, <i>et al.</i> ,)	
)	
Defendants.)	

**STIPULATED JOINT MOTION REGARDING COSTS AND ATTORNEY’S FEES AND WAIVER OF
RIGHT TO APPEAL**

NOW COMES Defendants SteelSeries ApS and SteelSeries North America Corp. (“*SteelSeries*”) and Plaintiff Better Mouse Company, LLC, and for their Joint Motion Regarding Costs and Attorney’s Fees and Waiver of Right to Appeal (the “*Joint Motion*”) respectfully move the Court as follows:

1. On October 6, 2015 this Court entered an order awarding SteelSeries its attorneys fees for bringing the following discovery motions against the Plaintiff and two related entities: (i) Motion to Compel Deposition Testimony Regarding Plaintiff’s Improper Instructions Not to Answer and Improper Privilege Claims [D.I. 195] and (ii) Motion to Compel Non-Parties East Texas Patent Management LLC and Texas IP Ventures III, LLC to Produce Documents Withheld Under Improper Privilege Claims, and to Compel Production of Documents [D.I. 197] (collectively, the “*Fee Award*”).

2. On January 14, 2016, after a jury verdict in favor of SteelSeries, the Court entered judgment:

- a. Finding that Defendants SteelSeries ApS and SteelSeries North America Corp. have not infringed Claims 6, 7 and 8 of United States Patent No. 7,532,200;
- b. Dismissing all claims of the Plaintiff against SteelSeries with prejudice; and
- c. awarding SteelSeries its costs in this case (the “*Award of Costs*”).

3. The parties have subsequently conferred, and BMC has agreed to pay SteelSeries \$55,000.00 on account of the Fee Award and Award of Costs (collectively, the “*Payment*”), which BMC will pay by wire transfer to an account designated by SteelSeries within the time period for Payment provided in the attached proposed order.

4. Other than the Payment, each side agrees to bear its own attorney’s fees and expenses in connection with this case, and agrees not to seek any further attorney’s fees, expenses, or other compensation regarding this case. Each side further waives any right to file post-judgment motions or to appeal that it may have in this case.

5. The Court retains jurisdiction to enforce the provisions of this stipulation and order.

DATED: January __, 2016

/s/ Michael Smith
Michael C. Smith
michaelsmith@siebman.com
State Bar No. 18650410
SIEBMAN, BURG, PHILLIPS & SMITH
113 East Austin Street
Marshall, Texas 75670
Tel: 903.938.8900

Joshua Masur
Esha Bandyopadhyay
Matthew A. Smith
Zhuanjia Gu

Louis L. Wai
TURNER BOYD LLP
702 Marshall Street, Suite 640
Redwood City, California 94063
Tel: 650.521.5930
James M. Heiser
Eric S. Silvestri
Sara T. Ghadiri
heiser@chapman.com
CHAPMAN AND CUTLER LLP
111 West Monroe Street
Chicago, Illinois 60603-4080
Tel: 312.845.3877

*Attorneys for SteelSeries ApS and
SteelSeries North America Corp*

/s/

Larry D. Thompson, Jr.
Antonelli, Harrington & Thompson LLP
4306 Yoakum Blvd., Suite 450
Houston, Texas 77006
Direct: (713) 581-3006
Fax: (713) 581-3020

*Attorneys for Plaintiff Better Mouse Company,
LLC*

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**ORDER GRANTING STIPULATED JOINT MOTION REGARDING COSTS AND ATTORNEY’S FEES
AND WAIVER OF RIGHT TO APPEAL**

The Court having considered SteelSeries ApS and SteelSeries North America Corp. (“*SteelSeries*”) and Plaintiff Better Mouse Company, LLC’s Stipulated Motion Regarding Costs and Attorney’s Fees and Waiver of Right to Appeal (the “*Joint Motion*”):¹

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. Within two business days of the entry of this order, BMC shall have made the Payment to SteelSeries on account of the Fee Award and Award of Costs, by wire transfer to an account designated by SteelSeries.
3. Other than the Payment, each side shall bear its own attorney’s fees and expenses in connection with this case, and shall not seek any further attorney’s fees, expenses, or other compensation regarding this case.
4. Neither side shall file any post-judgment motions or shall appeal the judgment in this case.

¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Joint Motion.

5. The Court retains jurisdiction to enforce the provisions of this stipulation and order.